



United States Attorney District of New Jersey

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WYCKOFF, NEW JERSEY PHARMACY OWNER PLEADS GUILTY TO SUBMITTING PHONY POSTAL EMPLOYEE PRESCRIPTIONS

TRENTON, N.J. – The owner and operator of Sicomac Pharmacy in Wyckoff, New Jersey, pleaded guilty today to defrauding the Federal Employees Health Benefits program by billing for prescriptions never requested by United States Postal Service customers of the pharmacy, United States Attorney Paul J. Fishman announced.

Francisco Marcos, 34, of Wyckoff, pleaded guilty before United States District Judge Anne E. Thompson to an Information charging him with health care fraud. Judge Thompson set bail at \$50,000 and permitted Marcos' release pending sentencing, which is scheduled for September 22, 2010.

According to documents filed in this case and statements made during Marcos' guilty plea proceeding:

From 2005 through 2008, Marcos owned and operated Sicomac Pharmacy, a retail pharmacy. Among the customers of Sicomac Pharmacy were employees of the United States Postal Service and their families, whose prescriptions were covered by the Federal Employees Health Benefits program. Between 2005 and 2008, on at least 400 occasions, Marcos submitted claims for prescriptions for these customers, when the customers had not requested the prescriptions and never received them.

Marcos received over \$28,000 from the Federal Employees Health Benefits program for the phony prescriptions.

At sentencing, Marcos faces a maximum potential penalty of 10 years in prison and a fine of \$250,000, or twice the pecuniary gain or victim loss from the offense. As part of his plea agreement, Marcos agreed to enter into a restitution order requiring him to repay \$28,500 to the Federal Employees Health Benefits program.

In determining an actual sentence, Judge Thompson will consult the advisory United States Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining the sentence. Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

U.S. Attorney Fishman credited Special Agents with the United States Postal Service, Office of Inspector General, under the direction of Special Agent in Charge Jane Hughes in Trenton, New Jersey; Special Agents with the Federal Bureau of Investigation, under the direction of Special Agent in Charge Michael B. Ward, in Newark, New Jersey; Special Agents with the United States Office of Personnel Management, Office of Inspector General, under the direction of Special Agent in Charge Drew Grimm in Washington, D.C.; and Special Agents of the U.S. Department of Health and Human Services, Office of Inspector General, under the direction of Thomas F. O'Donnell, Special Agent in Charge for the region covering New Jersey.

The case is being prosecuted by Assistant United States Attorney Jacob T. Elberg of the U.S. Attorney's Office Health Care and Government Fraud Unit in Newark.

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Defense Counsel: Pamela Mandel, Esq., Millburn, New Jersey